

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETRA CHRISTINA BETER,	:	
	:	
	:	
Plaintiff,	:	1:24-cv-79-GHW-JLC
	:	
-against-	:	<u>ORDER</u>
	:	
DUANE BAUGHMAN, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
----- X -----		
GREGORY H. WOODS, United States District Judge:		

On April 22, 2024, Magistrate Judge Tarnofsky issued a Report and Recommendation (“R&R”) recommending that the Court deny Plaintiff’s motion for an extension of time for service and dismiss Plaintiff’s claims against Defendant Edward Skyler for failure to timely serve. Dkt. No. 47. In that R&R, Magistrate Judge Tarnofsky determined that Plaintiff had not demonstrated good cause for her failure to timely serve Mr. Skyler and that an extension of time to serve would unfairly prejudice Mr. Skyler. *See* R&R at 5, 7.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

No objection to the R&R was submitted within the fourteen-day window. The Court has reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt

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those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.”). The Court accepts and adopts the R&R in its entirety. For the reasons articulated in the R&R, Mr. Skyler’s motion to dismiss Plaintiff’s claims against him is granted. Plaintiff’s claims against Mr. Skyler are dismissed without prejudice.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 30.

SO ORDERED.

Dated: May 7, 2024


GREGORY H. WOODS
United States District Judge